

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1061

By: Calvey, Terrill, Dorman,
Balkman, Peterson (Pam),
and Sullivan of the House

and

Reynolds of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 2A to Article X; prohibiting certain actions by courts of original or appellate jurisdiction; providing exceptions; prohibiting orders directed to the Legislature or to the Governor; authorizing judicial actions with respect to civil actions requesting money damages for certain breaches of duty; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 2A to Article X thereof, to read as follows:

A. Except as otherwise provided by this section, no court of original or appellate jurisdiction within this state shall order any action to be taken by the Legislature, the Governor, or some combination of action by the Legislature and the Governor, as a remedy for an alleged violation of the provisions of the United States Constitution, the Constitution of the State of Oklahoma or other law that would require an increase in a tax, fee or other source of revenue or that would require a specific amount of

appropriated funds or a specific level of funding for a state government function.

B. The provisions of this section shall be applicable to interlocutory orders, judgments and requests for temporary restraining orders and injunctions.

C. The provisions of this section shall not be applicable to a remedy involving the award of damages against an agency, board, commission, or other state governmental entity for breach of a duty imposed by contract law or by the law of torts, including negligence, when such agency, board, commission or other state governmental entity is named as a defendant in a civil proceeding and the remedy requested is for money damages to be paid by the defendant as a result of a specific breach of contractual duty or as a result of a breach of a duty of care owed to the plaintiff or plaintiffs in the civil proceeding.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It would add a new Section 2A to Article 10. It would prohibit any of the state courts from ordering the Legislature or the Governor or both to take certain types of actions. It would not allow the courts to order the Legislature or the Governor to increase taxes, fees or other government revenues. This would prevent the courts in Oklahoma from ordering this type of action resulting from certain kinds of lawsuits. This measure would not apply to lawsuits that were based on a breach of contract. This measure would not apply to lawsuits that were based on negligence. The courts

would continue to be able to require payment of damages by entities of state government for those types of cases.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 14th day of March, 2006.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2006.

Presiding Officer of the Senate